

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL

No. 430

Introduced by Senator Wright

(Coauthor: Senator Hancock)

(Coauthors: Assembly Members Mitchell and John A. Pérez)

February 21, 2013

An act to amend, repeal, and add ~~Sections 48216 and~~ *Section 49455* of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as amended, Wright. Pupil health: vision examination: binocular function.

Existing law requires, upon first enrollment in a California school district of a child at a California elementary school, and at least every 3rd year thereafter until the child has completed the 8th grade, the child's vision to be appraised by the school nurse or other authorized person, as specified. Existing law requires this appraisal to include tests for visual acuity and color vision. ~~Existing law requires the county office of education or the governing board of the school district of attendance to exclude any pupil who has not been properly immunized, unless the pupil is exempted from the immunization requirement, as specified.~~

This bill would instead, before first enrollment in a California school district of a pupil at a California *private or public* elementary school, *including a charter school*, and at least every 3rd year thereafter until the pupil has completed the 8th grade, require the pupil's vision to be examined by an optometrist or ophthalmologist, except as specified,

and require the examination to also include a test for binocular function and refraction and eye health evaluations. The bill would provide that the binocular function examination need not begin until the pupil has reached the 3rd grade and would require the parent or guardian of the pupil to provide results of the examination to the school district. ~~The bill would require the county office of education or the governing board of the school district of attendance to exclude a pupil who has not been examined by an optometrist or ophthalmologist, as described above, and would require the governing board of the school district to notify the parent or guardian of the pupil that the parent or guardian has 2 weeks to supply evidence that the pupil has been examined by an optometrist or ophthalmologist, or is exempted from the examination requirement.~~ *school. The bill would prohibit a school from denying admission to a child or taking any other adverse action against a child because of a parent's or guardian's failure to obtain a vision examination for the child.* The bill would make these provisions operative on ~~September~~ July 1, 2014. ~~By requiring a school district to collect information and send notices related to the examination of a pupil by an optometrist or ophthalmologist, the bill would impose a state-mandated local program.~~

~~This bill would also make nonsubstantive changes.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 48216 of the Education Code is amended~~
- 2 to read:
- 3 48216. (a) ~~The county office of education or the governing~~
- 4 ~~board of the school district of attendance shall exclude a pupil who~~
- 5 ~~has not been immunized properly pursuant to Chapter 1~~
- 6 ~~(commencing with Section 120325) of Part 2 of Division 105 of~~
- 7 ~~the Health and Safety Code.~~

1 ~~(b) The governing board of the school district shall notify the~~
2 ~~parent or guardian of the pupil that they have two weeks to supply~~
3 ~~evidence either that the pupil has been properly immunized, or~~
4 ~~that the pupil is exempted from the immunization requirement~~
5 ~~pursuant to Section 120365 or 120370 of the Health and Safety~~
6 ~~Code.~~

7 ~~(c) The governing board of the school district, in the notice,~~
8 ~~shall refer the parent or guardian of the pupil to the pupil's usual~~
9 ~~source of medical care to obtain the immunization, or if no usual~~
10 ~~source exists, either refer the parent or guardian to the county~~
11 ~~health department, or notify the parent or guardian that the~~
12 ~~immunizations will be administered at a school of the school~~
13 ~~district.~~

14 ~~(d) This section shall become inoperative on September 1, 2014,~~
15 ~~and, as of January 1, 2015, is repealed, unless a later enacted~~
16 ~~statute, that becomes operative on or before January 1, 2015,~~
17 ~~deletes or extends the dates on which it becomes inoperative and~~
18 ~~is repealed.~~

19 ~~SEC. 2. Section 48216 is added to the Education Code, to read:~~
20 ~~48216. (a) The county office of education or the governing~~
21 ~~board of the school district of attendance shall exclude a pupil who~~
22 ~~has not been immunized properly pursuant to Chapter 1~~
23 ~~(commencing with Section 120325) of Part 2 of Division 105 of~~
24 ~~the Health and Safety Code or who has not been examined pursuant~~
25 ~~to Section 49455.~~

26 ~~(b) The governing board of the school district shall notify the~~
27 ~~parent or guardian of the pupil that they have two weeks to supply~~
28 ~~evidence of both of the following:~~

29 ~~(1) That the pupil has been properly immunized, or that the~~
30 ~~pupil is exempted from the immunization requirement pursuant to~~
31 ~~Section 120365 or 120370 of the Health and Safety Code.~~

32 ~~(2) That the pupil has been examined, or that the pupil is~~
33 ~~exempted from the examination requirement pursuant to Section~~
34 ~~49455.~~

35 ~~(c) The governing board of the school district, in the notice,~~
36 ~~shall refer the parent or guardian of the pupil to the pupil's usual~~
37 ~~source of medical care to obtain the immunization, or if no usual~~
38 ~~source exists, either refer the parent or guardian to the county~~
39 ~~health department, or notify the parent or guardian that the~~

1 ~~immunizations will be administered at a school of the school~~
2 ~~district.~~

3 ~~(d) This section shall become operative on September 1, 2014.~~

4 ~~SEC. 3.~~

5 *SECTION 1.* Section 49455 of the Education Code is amended
6 to read:

7 49455. (a) Upon first enrollment in a California school district
8 of a pupil at a California elementary school, and at least every
9 third year thereafter until the pupil has completed the eighth grade,
10 the pupil's vision shall be appraised by the school nurse or other
11 authorized person under Section 49452. This appraisal shall include
12 tests for visual acuity and color vision; however, color vision shall
13 be appraised once and only on male pupils, and the results of the
14 appraisal shall be entered in the health record of the pupil. Color
15 vision appraisal need not begin until the male pupil has reached
16 the first grade. Gross external observation of the pupil's eyes,
17 visual performance, and perception shall be done by the school
18 nurse and the classroom teacher. The appraisal may be waived, if
19 the pupil's parents so desire, by their presenting of a certificate
20 from a physician and surgeon, a physician assistant practicing in
21 compliance with Chapter 7.7 (commencing with Section 3500) of
22 Division 2 of the Business and Professions Code, or an optometrist
23 setting out the results of a determination of the pupil's vision,
24 including visual acuity and color vision.

25 (b) This section shall not apply to a pupil whose parents or
26 guardian file with the principal of the school in which the pupil is
27 enrolling, a statement in writing that they adhere to the faith or
28 teachings of any well-recognized religious sect, denomination, or
29 organization and in accordance with its creed, tenets, or principles
30 depend for healing upon prayer in the practice of their religion.

31 (c) This section shall become inoperative on ~~September~~ July 1,
32 2014, and, as of January 1, 2015, is repealed, unless a later enacted
33 statute, that becomes operative on or before January 1, 2015,
34 deletes or extends the dates on which it becomes inoperative and
35 is repealed.

36 ~~SEC. 4.~~

37 *SEC. 2.* Section 49455 is added to the Education Code, to read:

38 49455. (a) Before first enrollment in a California school district
39 of a pupil at a California *private or public* elementary school,
40 *including a charter school*, and at least every third year thereafter

1 until the child has completed the eighth grade, the pupil's vision
2 shall be examined by an optometrist or ophthalmologist. This
3 examination shall include tests for visual acuity, binocular function,
4 and color vision, and refraction and eye health evaluations;
5 however, color vision shall be ~~appraised~~ *examined* once and only
6 on male pupils, and the parent or guardian of the pupil shall provide
7 results of the examination to the school ~~district~~. The color vision
8 examination ~~shall be conducted before~~ *need not begin until* the
9 male pupil has reached the first grade. The binocular function
10 examination need not begin until the pupil has reached the third
11 grade.

12 (b) This section shall not apply to a pupil whose parents or
13 guardian file with the principal of the school in which the pupil is
14 enrolling, a statement in writing that they adhere to the faith or
15 teachings of any well-recognized religious sect, denomination, or
16 organization and in accordance with its creed, tenets, or principles
17 depend for healing upon prayer in the practice of their religion.

18 (c) (1) If a pupil is ineligible for Medicaid, Children's Health
19 Insurance Program coverage, or exchange subsidies under the
20 federal Patient Protection and Affordable Care Act (Public Law
21 111-148), or any other health care service, the ~~county office of~~
22 ~~education or the governing board of the school district of~~
23 ~~attendance private or public school~~ shall refer the pupil to the
24 county health department or other appropriate community resources
25 able to perform a vision examination pursuant to subdivision (a).

26 (2) *A school shall not deny admission to a child or take any*
27 *other adverse action against a child because of a parent's or*
28 *guardian's failure to obtain the examination pursuant to*
29 *subdivision (a).*

30 ~~(2) If a pupil is unable to obtain a vision examination through~~
31 ~~the referral under paragraph (1), the school may waive the vision~~
32 ~~examination requirement of subdivision (a).~~

33 (d) For purposes of this section, "binocular function
34 examination" means, at a minimum, the evaluation of
35 accommodative ability, sensory and motor fusion, and ocular
36 motility.

37 (e) This section shall become operative on ~~September~~ *July* 1,
38 2014.

39 ~~SEC. 5. If the Commission on State Mandates determines~~
40 ~~that this act contains costs mandated by the state, reimbursement~~

- 1 to local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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